

SPEECH

OF

MR. BUCHANAN, OF PENNSYLVANIA,

IN EXECUTIVE SESSION,

In favor of the Treaty for the annexation of Texas to the United States:

DELIVERED IN THE SENATE OF THE UNITED STATES, JUNE 8, 1844.

(The injunction of secrecy removed.)

Mr. PRESIDENT: The present is a question of transcendent importance. For weal or for woe—for good or for evil, it is more momentous than any question which has been before the Senate since my connection with public affairs. To confine the consequences of our decision to the present generation would be to take a narrow and contracted view of the subject. The life of a great nation is not to be numbered by the few and fleeting years which limit the period of man's existence. The life of such a nation must be counted by centuries and not by years. "Nations unborn and ages yet behind" will be deeply affected in their moral, political, and social relations by the final determination of this question. Shall Texas become a part of our glorious confederacy; shall she be bone of our bone and flesh of our flesh; or shall she become our dangerous and hostile rival? Shall our future history and that of hers diverge more and more from the present point and exhibit those mutual jealousies and wars which, according to the history of the world, have ever been the misfortune of neighboring and rival nations; or shall their history be blended together in peace and harmony? These are the alternatives between which we must decide. I do not mean, by these remarks, merely to refer to the vote of the Senate which will be recorded to-day upon the treaty; but to that ultimate and final decision of the question which must be made within a brief period.

Texas now presents herself before you, and asks to be admitted as a territory into your confederacy. How natural is it that she should desire this reunion, and be ready to rush into your arms! A sister, separated from the family, and in a land of strangers, loves her happy home with more intense ardor than those who have never been deprived of its blessings. She longs to return to it, and counts the days and the months until the blessed period of reunion shall arrive. Such are the feelings of Texas. Ever since she became independent of the foreign nation to whom we had bartered her away, she has cast a "longing, lingering look" back upon the family altar. She has again and again applied to be restored, and has as often been repulsed by her sisters. But all this has not yet estranged her heart from the family. She now makes, I fear, a last appeal; and shall we drive her away in despair, to form alliances with strangers? I trust not. We ought to be careful how we longer repulse her advances and reject her

suit. We ought to remember that love turned to hate is the most bitter feeling of the human heart.

I know that it is generally in bad taste for any senator to speak of the purity of his own motives; but the Senate, I trust, will pardon me for declaring that I kept my mind entirely open—entirely free from prejudice or prepossession—on the question of this treaty, until I had made myself acquainted with all the facts and circumstances which could enlighten my judgment. Indeed, until the present moment, I stand wholly uncommitted by any public declaration on the subject, although my opinions have been often asked for publication from the most respectable quarters. I deem myself justified in making these remarks by the playful allusion which has been made, in the course of the debate, to my position as a candidate for the presidency, and to the influence which this might have exerted on my judgment. But I have not been a candidate for that office since December last, when, it is well known, I voluntarily withdrew my name from the canvass; and never have I for a single moment repented of that act. A large majority of the delegates to the national convention had then been either instructed or had declared their intention to support the nomination of Mr. Van Buren; and I was not so selfish as to suffer my humble pretensions to become an obstacle to the harmony of the democratic party. The delegates from my own State were afterwards instructed to support him; and I have since exerted myself, on more than one occasion, to prevent hostile movements against him, and to keep my own name from being even mentioned as his competitor before the Baltimore convention in any contingency. But enough, and too much, of myself.

In discussing the present question, I shall not stop to inquire into the character of the message and correspondence which accompany the treaty; neither shall I investigate the motives which impelled Mr. Tyler to enter upon the negotiation. It is sufficient for me that the treaty has been concluded, and is now constitutionally before the Senate for our ratification or rejection. Upon this treaty, I must vote ay, or no, on my responsibility as a senator; and I shall be governed, in my vote, not by the arguments which have been urged in its favor by the present administration, but by the provisions of the treaty itself. The means employed in obtaining it are but the scaffolding to this magnificent edifice.

erected to the union, permanence, and security of our glorious confederacy, and have now become useless rubbish. Thus, sir, I relieve myself at once from the discussion of the voluminous correspondence accompanying the treaty, which has engaged so much of the attention of other senators.

In order clearly to understand the origin and nature of the question, it may here be proper to present a brief sketch of the history of Texas. By the treaty of Louisiana of 30th April, 1803, the United States acquired this province from France. Every American statesman who has treated of the subject, from Mr. Jefferson down to the distinguished senator from Missouri, [Mr. BENTON,] is clear and strong in this conviction. "The facts and principles which justify this conclusion," say Messrs. Monroe and Pinckney to the Spanish commissioner, in 1805, "are so satisfactory to our government as to convince it that the United States have not a better right to the island of New Orleans than they have to the whole district of territory west to the Del Norte." And what was the eloquent language of the senator from Missouri, in view of the negotiations pending in 1818, and which resulted in the cession of Texas to Spain? "The magnificent valley of the Mississippi is ours," says he, "with all its fountains, springs, and floods; and wo to the statesman that shall undertake to surrender one drop of its water—one inch of its soil—to any foreign power." Under this treaty of Louisiana, we entered into a solemn agreement with France that the inhabitants of the ceded territory "should be incorporated into the Union of the United States, as soon as possible, according to the principles of the federal constitution;" and should, in the mean time, be protected in the free enjoyment of their liberty, property, and religion.

In what manner have we redeemed our faith thus plighted to France? Texas was ours; but it is ours no longer. In violation of the treaty of Louisiana, we ceded Texas to Spain by the Florida treaty of 1819. We thus dismembered the valley of the Mississippi, and extended the boundary of a foreign nation along our most weak and defenceless frontier. It is not my present purpose to inquire who, or whether any person is to blame, for this dismemberment of our territory. It is now sufficient for me to state the fact.

In the course of human events, this territory has again been presented to us for our acceptance. When we ceded it to Spain, it was almost a wilderness; but it is now peopled by our sons, our brothers, and our kindred, who have convinced the world, by their bravery, that they are worthy of their breeding. They offer to return to our bosom themselves, and to restore to us this fine and fertile country which we had lost—a country more extensive than France, and naturally as beautiful, and blessed with almost every variety of soil and climate. And shall we reject this munificent donation? They justly appreciate a union with us as the highest privilege which any political community on earth can enjoy, and are willing to surrender themselves and their all to become free and sovereign States of our confederacy. And yet such a union has been denominated by the senator from Rhode Island [Mr. SIMMONS] the extermination of Texas! Far, very far from it. It will be blending her lone star with our glorious constellation; and the concentrated rays emanating from all will thus shed a far more effulgent and genial influence upon her than if she remained in solitary isolation.

If the people of Texas were divided upon the question of reunion, this would be conclusive with me against the treaty. But since the world began, no record exists of a political community, enjoying freedom of opinion, which has been so united upon any great question of policy as are the people of Texas in favor of annexation. Why, sir, upon a solemn vote in 1836, when they adopted their constitution, there were but ninety-three dissenting voices throughout the whole territory. They have since, again and again, with equal unanimity, applied for admission into our Union; and if there be at the present moment a single man in Texas opposed to the measure, he has never raised his voice against it, although, for several months, the question has been publicly discussed throughout that republic. The letter of the members of the late Texian Congress to the senator from Missouri, [Mr. BENTON,] invoking his powerful interposition in favor of annexation, affords the most positive and conclusive evidence of the unanimity of their constituents at the present moment.

The unanimous and enthusiastic agreement of the people of Texas in favor of annexation furnishes a conclusive answer to two of the objections which have been strenuously urged against the treaty. It has been urged that, under the constitution of Texas, the treaty-making power have no authority to cede their country to the United States. But suppose, without admitting, this to be the fact: what would be the consequence? I care not what may be their organic law, if we have conclusive evidence that the whole people who framed it desire to be annexed to the Union. This universal consent dispenses with the necessity of pursuing the tedious forms prescribed for amending their constitution. The sovereign people of any country, when united, can dispense with all the constitutional forms which they themselves have prescribed for the government and control of their own servants. In the case of Texas, no man doubts this unanimity; and the question of annexation was decided by the people simultaneously with the adoption of their constitution, and, in point of fact, if not in form, constitutes a part of it. Under these circumstances, this constitution can never be interposed as a barrier to arrest the people of Texas in the pursuit of what has ever been their favorite object.

But again: It has been urged that this treaty has been obtained from Texas by false suggestions and pretences, and that for this reason it ought not to be ratified by the Senate. It has been compared by the senator from Kentucky [Mr. CRITTENDEN] to a deed obtained by fraud; and he asks, if a man's agent has obtained a deed by such means, ought the principal, as an honest man, to accept it? I answer, yes, most certainly; if the grantor not only consents to it with a full knowledge of all the circumstances, but, as in the case of Texas, earnestly urges its acceptance upon the grantee. I have said before that I shall not enter upon the wide field presented by the correspondence accompanying the treaty, which has been so minutely explored by other senators. If the President has done any wrong in the beginning, (which I do not admit,) the subsequent enthusiastic assent of Texas cures all defects.

In the further discussion of this subject, I shall first present to the Senate some of the specific reasons why Texas ought to be annexed to the Union, and shall then answer a few of the most prominent

objections which have been urged against its annexation.

And, in the first place, Texas ought to be annexed to the Union because the possession of this territory is necessary to our defence, peace, and security. The treaty of 1819, with Spain, abandoned our natural limits. It yielded up the boundary of a great river—the Del Norte—of a desert, and of a chain of mountains, for a mere arbitrary line. Whoever casts his eyes upon the map will be convinced of this truth. This treaty gave a foreign nation territory upon the banks of two of our noblest rivers—the Arkansas and the Red River—both tributaries of the Mississippi; and thus laid the foundation of perpetual disputes concerning their navigation.—These disputes have already commenced between us and Texas. Such river questions have ever been a source of perpetual contest between conterminous nations. The republic of Texas now approaches the immediate vicinity of New Orleans, and thus our weakest frontier is exposed. All will admit that General Jackson is a high authority on military questions. In his letter to Mr. Brown of the 12th February, 1843, he renders it clear, that, should Texas form an alliance with Great Britain, in case of war, our weak southwestern frontier would be left open, and exposed to the invasion of this powerful and hostile nation; and that the means would thus be placed under its control of exciting a servile insurrection within our borders. On the other hand, if Texas were annexed to the United States, “our western boundary (says the General) would be the Rio del Norte, which is of itself a fortification, on account of its extensive, barren, and uninhabitable plains. With such a barrier on our West, we are invincible. The whole European world could not, in combination against us, make an impression on our Union.” But I shall not enlarge further upon this point.

In the second place, Texas ought to be annexed to the United States, because this would greatly increase our internal commerce, extend the market for our domestic manufactures, and bind the Union together by still stronger bonds; but, on the other hand, should you reject Texas, she will necessarily form a commercial alliance with our great rival, England, who would thus secure to herself the finest cotton-growing region of the earth, at our expense, and to the lasting injury and prejudice of all our great interests.

It has been estimated that our internal commerce, or home trade, is already fifteen times as great as our commerce with foreign nations. The acquisition of Texas would, in a very few years, vastly increase this domestic trade. The manufactures of the North would here find an ever-growing market; whilst our commercial marine and our steam vessels would obtain profitable employment in transporting the cotton, the sugar, and other agricultural productions of Texas, not only throughout the Union, but over the world. Ours will be a glorious system of free trade, and the only one which the jealousy and the interest of foreign nations will ever permit us to enjoy. Should Texas be annexed, and our Union preserved, there are human beings now in existence who will live to see one hundred millions of freemen within its limits, enjoying all the benefits of free trade and unrestricted commerce with each other. Henry the Great, of France, more than two hundred years ago, conceived the magnificent idea—it was called his grand design—of dividing Europe into fifteen confederated states, for the purpose of pre-

serving peace and promoting free commerce among its different nations. He died in the execution of this grand design, which was alone sufficient to entitle him to the name of Great. The States of Germany have confederated in the Zoll Verein league, for the purpose of enjoying the benefits of free trade among themselves; and their prosperity has ever since been rapidly increasing. If we are wise, we shall have a system of free trade at home on a more extensive scale than any which the world has ever witnessed, arousing an energy and activity of competition which will result in a most rapid improvement in all that contributes to the welfare and happiness of the human race. It is only thus that we can fulfil our high destinies, and run the race of greatness for which we are ordained. The time has passed away when serious fears can be entertained from an extension of our Union, although I admit that the Del Norte seems to be the boundary prescribed by nature between the Anglo-Saxon and the Mexican races. Within this limit, the more we extend our system of confederated States, the greater will be the strength and security of the Union; because the more dependent will the several parts be upon the whole, and the whole upon the several parts. If there were no other bond to preserve our Union, what State would forego the advantages of this vast free trade with all her sisters, and place herself in lonely isolation? This system of confederated republics, under which the federal government has charge of the interests common to the whole, whilst local governments watch over the concerns of the respective States, is capable of almost indefinite extension with increasing strength. This strength can never be impaired but by the attempts of the federal government to pass beyond its legitimate limits, and interfere with interests belonging peculiarly to the States. The beneficence of Providence has so blended together the interests and security of our family of States, that disunion would be insanity. It is true that some of the older members of the confederacy have, at different periods, assumed a threatening attitude towards the Union; but upon what occasion has any one of the new and distant States ever breathed the word *disunion*? Their loyalty has never been doubted. The greater their distance from the centre, the more they feel their dependence upon the government of the whole for prosperity and protection. Their external pressure has served, and will serve more firmly to consolidate that Union, upon the preservation of which all the hopes of the patriot and the philanthropist depend. Texas will be placed on an exposed and distant frontier; and Texas will be the last portion of the confederacy willing to abandon the security and the prosperity which the government of the Union can confer.

Whilst the annexation of Texas would afford that security to the southern and southwestern slave States which they have a right to demand, it would, in some respects, operate prejudicially upon their immediate pecuniary interests; but to the middle and western, and more especially to the New England States, it would, in my opinion, be a source of unmixed prosperity. It would extend their commerce, promote their manufactures, and increase their wealth. The New England States resisted, with all their power, the acquisition of Louisiana; and I ask, what would those States have been at this day without that territory? They will also resist the annexation of Texas with similar energy: although, after it has been acquired, it is they who

will reap the chief pecuniary advantages from the acquisition.

The friends to the incidental protection of American industry need feel no apprehensions from the annexation of Texas. It is better, far better adapted for the cultivation of sugar than Louisiana; and wherever sugar is grown in this country, protection is required. Take away the protective duty on the importation of foreign sugar, and you consign all the sugar plantations of Louisiana to inevitable destruction. The fact is, that sugar and iron are indissolubly connected in interest. They are the two articles which of all others require the most protection; and, by creating a new sugar interest in the South, you raise up a new ally in the cause of incidental protection.

But suppose that we reject Texas: what will be the consequences? And here I invoke the patient attention of the Senate. From the necessity of the case, she must cast herself into the arms of England. Both her interest and her safety render this inevitable. I do not believe that Texas would ever consent to become a colony of England, or that England desires to colonize Texas. England could not make her a colony without certain war with this country, unless we should abandon the principle announced by Mr. Monroe in 1823, and which was enthusiastically hailed by the American people, that European nations shall no longer be permitted to plant colonies on our continent. No, sir, Texas will never become a colony of England, but she will form a commercial alliance with England; and to this we could not object under any principle of the law of nations. Such an alliance, in its consequences, would be equally injurious to our peace and prosperity.

That England is eager for such a consummation, who can doubt? She is ever ready to depress a rival and to advance her own interest; and never has she yet been able to strike so severe a blow against the United States, as she would do by forming such an alliance with Texas. Permit me for a few moments to present this branch of the subject in its different aspects.

The cotton manufacture is necessary not merely to the prosperity, but almost to the very existence, of England. Destroy it, and you ruin her prosperity. She well knows that she is necessarily dependent upon the nation which holds in its hands the raw material of this manufacture. Such is our position towards her at the present moment. To relieve herself from this dependence, she has endeavored to promote the cultivation of cotton every where throughout the world. Brazil, Egypt, and the East Indies have all, in turns, been the theatre of her operations; but she has yet succeeded nowhere to any great extent. She has encountered difficulties in the soil or in the climate of these different countries which she has not been able to overcome. Texas is now presented to her, with a soil and a climate better adapted for the cultivation of cotton than any other region on the face of the earth. I have been assured by my friend, (Colonel King,) now our minister to France, and himself a successful cotton planter, that whilst with the same labor bestowed upon an acre of land, they can raise one-third more cotton in Alabama than can be produced in Georgia and South Carolina, a planter in Texas can raise one-third more cotton to the acre than can be produced in Alabama. Of course I speak of the average crop. All the authentic information which we have ever received, goes to prove that both for

the quantity and quality of the product, Texas is superior, as a cotton-growing country, even to the most fertile portions of the United States. England would not be true to herself, (and she has never yet been false to her own interest,) if she did not eagerly desire to form a commercial alliance with Texas.

Now, sir, annex Texas to the United States, and we shall have within the limits of our broad confederacy all the favored cotton-growing regions of the earth. England will then for ever remain dependent upon us for the raw material of her greatest manufacture; and an army of one hundred thousand men would not be so great a security for preserving the peace between the two nations as this dependence.

It is the very condition of England's existence as a powerful and prosperous nation that she shall find consumers for her manufactures. The continent of Europe is now, in a great degree, closed against them, and she is traversing sea and land, and exerting all her power to open markets for them throughout the other quarters of the globe. A very long period of time must elapse even, if ever, before Texas can become a manufacturing nation. A commercial treaty will then be concluded between the two nations founded on their mutual interests, the basis of which will be free trade so far as this may be possible. England will receive the cotton, sugar, and other productions of Texas, whilst Texas, in return, will admit the manufactures of England. And I ask what could be more ruinous to all our interests than such a free trade convention between these two powers?

Texas, like the United States, is not only admirably adapted for the production of cotton, sugar, and the other staples of the planting States, but it extends to the 42d degree of north latitude, and embraces a large extent of country where wheat, rye, pork, lard, and, in short, all the agricultural staples of the middle and western States can be produced in the greatest abundance. Texas, in union with England and receiving all the advantages which England can bestow, will thus become our rival for the markets of the world. In the language of the Edinburgh Review, "the bonds of ancient kindred [with Texas] may thus be knit with fresh strength, and with a wider diffusion of the British race and British sympathies." Texas and the United States will then necessarily become jealous and hostile rivals; and British power and British influence will thus be increased and extended at our expense.

British manufactures will be admitted into Texas either entirely free or at a very low rate of duty; and a system of smuggling will be organized along our extended frontier which no vigilance can prevent, and which will greatly reduce our revenue and injure our domestic manufactures.

Shall we, in view of all these fearful consequences which will naturally result from our refusal to accept Texas, reject the treaty now before us? I trust not.

In arriving at the conclusion to support this treaty, I had to encounter but one serious obstacle, and this was the question of slavery. Whilst I ever have maintained, and ever shall maintain, in their full force and vigor, the constitutional rights of the southern States over their slave property, I yet feel a strong repugnance, by any act of mine, to extend the present limits of the Union over a new slaveholding territory. After mature reflection, however, I overcame these scruples, and now believe that the acquisition of Texas will be the means of lim-

ing, not enlarging, the dominion of slavery. In the government of the world, Providence generally produces great changes by gradual means. There is nothing rash in the counsels of the Almighty. May not, then, the acquisition of Texas be the means of gradually drawing the slaves far to the South, to a climate more congenial to their nature; and may they not finally pass off into Mexico, and there mingle with a race where no prejudice exists against their color? The Mexican nation is composed of Spaniards, Indians, and negroes, blended together in every variety, who would receive our slaves on terms of perfect social equality. To this condition they never can be admitted in the United States.

That the acquisition of Texas would ere long convert Maryland, Virginia, Kentucky, Missouri, and probably others of the more northern slave States into free States, I entertain not a doubt. In fact, public opinion was gradually accomplishing this happy result, when the process was arrested by the mad interference of the abolitionists. A measure having directly in view the gradual abolition of slavery came within one vote, if my memory serves me, of passing the House of Delegates of Virginia shortly before the abolition excitement commenced. There was then in that State a powerful, influential, and growing party in favor of gradual emancipation, and they were animated to exertion by the brightest hopes of success; but the interference of fanatics from abroad has so effectually turned back the tide of public opinion, that no individual would now venture to offer such a proposition in the Virginia legislature. The efforts of the abolitionists, whether so intended or not, have long postponed the day of emancipation.

But should Texas be annexed to the Union, causes will be brought into operation which must inevitably remove slavery from what may be called the farming States. From the very best information, it is no longer profitable to raise wheat, rye, and corn by slave labor. Where these articles are the only staples of agriculture, in the pointed and expressive language of Mr. Randolph, if the slave don't run away from his master, the master must run away from the slave. The slave will naturally be removed from such a country, where his labor is scarcely adequate to his own support, to a region where he can not only maintain himself, but yield large profits to his master. Texas will open such an outlet; and slavery itself may thus finally pass the Del Norte, and be lost in Mexico. One thing is certain. The present number of slaves cannot be increased by the annexation of Texas.

I have never apprehended the preponderance of the slave States in the counsels of the nation. Such a fear has always appeared to me to be visionary. But even those who entertain such apprehensions need not be alarmed by the acquisition of Texas. More than the one-half of its territory is wholly unfit for slave labor, and therefore, in the nature of things, must be free. Mr. Clay, in his letter of the 17th April last, on the subject of annexation, states that, according to his information—

"The territory of Texas is susceptible of a division into five States of convenient size and form. Of these, two only would be adapted to those peculiar institutions [slavery] to which I have referred; and the other three, lying west and north of San Antonio, being only adapted to farming and grazing purposes, from the nature of their soil, climate, and productions, would not admit of those institutions. In the end, therefore, there would be two slave and three free States probably added to the Union."

And here permit me to observe that there is one defect in the treaty which ought to be amended, if we did not all know that it is destined to be rejected. The treaty itself ought to determine how many free and how many slave States should be made out of this territory; or it ought, in express terms, to leave the question of slavery to be decided by those States in their constitutions, as they severally apply for admission into the Union. There should be some fixed and fundamental rule established on this subject by the treaty or act of annexation. Should this not be done, we may have another Missouri question to shake the Union to its centre, upon the successive application of each of these States for admission. As wise statesmen, we ought to provide against this danger, by settling the question in advance, at the time of annexation.

I come now to examine the objections which have been urged against this treaty. And, first, it has been strenuously contended that the acquisition of Texas would be a violation of the constitution of the United States; and that no new State can be admitted into the Union, unless it formed a part of our territory in 1789, when that constitution was adopted. On this point I shall be very brief. Mr. Van Buren, in his Texas letter, has demonstrated this objection to be wholly unfounded. The language of the constitution is broad and general, embracing in its terms all new States, whether these be composed of foreign territory or not. It declares that "new States may be admitted by the Congress into the Union." What human power can limit the generality of this expression to such new States alone as might be composed of territory then belonging to the United States? How can the plain construction of the language be narrowed down by any such restriction? The framers of the constitution were too wise and too far-sighted to place any such limitation on the power of Congress for all future time. In the course of human events, in the history of a great nation, they foresaw that it might become necessary to acquire new territory by purchase or by conquest; they therefore left the discretion of Congress unlimited in the admission of new States. The letter of Dr. Johnson, one of the delegates from Connecticut to the federal convention, furnished by Mr. Pitkin, which was read by the senator from that State, [Mr. HUNTINGTON,] presents a remarkable instance of the frailty of human memory. It was written after the admission of Louisiana into the Union, which took place in 1812, and consequently more than twenty years after the occurrences which it relates. Besides, at the date of the letter, which was about the time of our declaration of war against Great Britain, party excitement ran very high in this country, and Dr. Johnson belonged to the party hostile to the acquisition of Louisiana, and to the declaration of war. I doubt not he was a worthy and respectable man, and deserved the commendations bestowed upon him by the senator from Connecticut; but yet I shall prove conclusively that he must have been entirely mistaken in regard to the facts which he asserts. He says that he put the very case to his colleagues (Messrs. Ellsworth and Sherman) whilst the convention was yet in session—suppose we should conquer Nova Scotia from Great Britain, could we, under the constitution, admit it as a State into the Union?—and they were clearly of opinion that Congress would possess no such power; but that Nova Scotia must remain a territory forever. Dr. Johnson suggested that an

express provision should be made to prevent States composed of foreign territory from being admitted; but his colleagues both agreed that such States were already so obviously excluded by a fair construction of the constitution, that it would be a waste of time to offer such an amendment. He also says that he conversed with many other members of the convention, and never found one who entertained a doubt upon the subject; and he concludes by stating, that, had the question been submitted to the convention, whether, under the constitution, a new State, composed of foreign territory, could be admitted into the Union, there would have been an unanimous vote in the negative.

Now, sir, wonderful as it may seem, after such a statement, the records of the convention prove that the very question was raised before that body whether such a limitation should be imposed on the power of Congress to admit new States, and was expressly decided in the negative. The first basis of a constitution proposed by Edmund Randolph, confined the power of admitting new States to those "lawfully arising within the limits of the United States." This restriction was, at one time, adopted by the convention, but, after mature consideration, was stricken out; and the clause, without any such restriction, as it now stands in the constitution, that "new States may be admitted by the Congress into the Union," was finally established. According to the memory of Dr. Johnson, it was considered too plain for doubt, that, under the constitution, no new State, composed of foreign territory, could be admitted into the Union; and yet the convention had expressly decided that such States might be admitted, and had adopted the most general language for this very purpose.

But, even if a doubt could have rested upon this question, the admission of Louisiana, Arkansas, and Missouri into the Union, all composed of territory acquired from France in 1803, and the cession of Florida to the United States by Spain in 1819, would have settled it forever. The scruples entertained by Mr. Jefferson at one time, but which he afterwards abandoned, could never have existed, had he been a member of the federal convention. I might cite the opinion of Judge Story, and other eminent jurists, in favor of my position; but I should deem this to be a useless waste of time, on so plain a question.

It has been said, however, that, admitting this construction of the constitution to be correct, yet, as Texas is an independent State, and not, like Louisiana and Florida, a territorial dependence of a foreign power, it would be a violation of the constitution to ratify this treaty. And this in the nineteenth century, and in the American Senate! We had the power, forsooth, to accept the cession of territories from Napoleon Bonaparte and the King of Spain, without ever consulting the wishes of the people whom they ceded; and yet we have not the power to accept such a cession from the sovereign people themselves of an independent State! I shall not waste time upon such an argument. It would prove that if ever (which God forbid) any of the States of this Union should shoot madly from their sphere, and establish an independent government, we would possess no constitutional power, upon their own earnest entreaty, to restore them to their ancient position.

Again: senators contend that one nation cannot incorporate itself with another by means of a treaty. But we have the direct authority of Vattel against

this proposition. That author says that when a nation "has not sufficient strength of itself, and feels itself unable to resist its enemies, it may lawfully subject itself to a more powerful nation, on certain conditions agreed to by both parties; *and the compact or treaty of submission will thenceforward be the measure and rule of the rights of each.*" And again: "This submission may be varied to infinity, according to the will of the contracting parties; it may either leave the inferior nation a part of the sovereignty, restraining it only in certain respects, or it may totally abolish it, so that the superior nation shall become the sovereign of the other; or, finally, the lesser nation may be incorporated with the greater, in order thenceforward to form with it but one and the same State; and then the citizens of the former will have the same privileges as those with whom they are united."—Book 1, chap. 16, sec. 193–4, p. 94.

Never was there an authority more directly in point in support of the treaty of annexation. Under it, Texas will be incorporated with the United States, and her citizens will enjoy all the privileges of citizens of the United States.

A treaty is nothing more nor less than an agreement between sovereign powers; and even if Texas should be annexed by an act of Congress, (to which I see no objection,) still this must be preceded by some agreement, express or implied, fixing the terms and stipulations of the annexation.

But the senator from Connecticut [Mr. HUNTINGTON] has contended that Texas cannot be annexed by treaty; because, if the United States should violate this treaty, the existence of Texas as an independent nation having been destroyed, she could not enforce her rights by war. But, sir, is the obligation less binding upon our part, although Texas may have lost the power to make war upon us? Is an engagement less solemn and less obligatory in the eyes of God or man, because the opposite party has not the power to enforce it? Are the United States less bound to fulfil their engagements and discharge their debts, because they cannot be sued in any court of justice? We have contracted obligations to every new State which has entered the Union; and may we free ourselves from these obligations, because such States have no power under the constitution to exact their fulfilment by war? Texas, after she enters the Union, will be in precisely the same position as one of these States, and must trust to a national faith which has never yet been violated, for the observance of the treaty.

I now approach the main objection to the treaty, which has been urged by every variety of argument and illustration. It is evidently that on which its opponents most rely; and it therefore demands from me a clear and explicit answer. I shall state it as fairly as I can. The Senator from Missouri [Mr. BENTON,] and others following in his footsteps, contend that Texas was a province of Mexico; that Mexico is still waging a justifiable war for the re-subjugation of Texas; that if we annex Texas to the United States, we unjustly make ourselves a party to that war; and that we would thus violate our treaty with Mexico, and expose ourselves to the condemnation of the civilized world for this breach of faith. Now, sir, I differ entirely from the Senator from Missouri on all these propositions. I regret this most sincerely. This difference, however, shall never estrange me from him, nor ought it, in my opinion, to injure him, in the slightest degree, in the estimation of his party. He has been the hero of a hundred fights in the cause of democracy.

His cheering voice has always been heard the loudest in the hour of deepest gloom. If he has erred for once, not upon the principle of annexation, but merely as to the time when it can be best accomplished, should this condemn him? No, never. Still I differ from him, and shall proceed to state my reasons.

Now, sir, highly as I prize Texas, and ardently as I desire her admission into the Union, I would not accomplish this purpose by means of a crime. I would not do evil that good might come. To do this is to blight the greatest benefits, and to convert that which, when honestly acquired, would be a blessing, into a curse. If Texas cannot be acquired but through violated treaties and unjust war, let it never be acquired.

By the first article of our treaty with Mexico of the 5th April, 1831, it is agreed that "there shall be a firm, inviolable, and universal peace, and a true and sincere friendship between the United States of America and the United Mexican States, in all the extent of their possessions and territories, and between their people and citizens, respectively, without distinction of persons or places."

I quote the language of this article, because similar language has been employed in most of the treaties of peace between civilized nations for the last three hundred years. Writers on public law divide treaties into two general classes,—“first, those which turn merely on things to which the parties were already bound by the law of nature,—secondly, those by which they enter into further engagements.” “To this first class belong all simple treaties of peace and friendship, when the engagements which we thereby contract make no addition to those duties that men owe to each other as brethren and as members of the human society.”—Vattel, book 2, chap. 12, sec. 169. The law of nature and of nature's God commands that all nations shall cultivate peace and friendship with each other; and treaty stipulations to this effect are only intended to give this great law a human sanction. Now, sir, nearly all the wars which have been waged in the world since the era of civilization, have contravened such treaties of peace previously existing between the belligerents? And shall we undertake to denounce all such wars as unjust, and the nations who have declared them as violators of the faith of treaties? By no means. Neither the law of nature nor the law of nations pronounces any such harsh judgment. There are many cases in which a nation, from the conduct of the opposite party and from a variety of causes, may be perfectly justifiable in absolving itself from the obligations of a treaty. There is a memorable example of this kind, in our own history, on which, however, I express no opinion. On the 7th July, 1798, Congress passed an act declaring all the treaties theretofore concluded between France and the United States to be no longer obligatory. There are several cases enumerated by writers on public law which would justify the violation of any treaty, however positive and specific might be its engagements. The great law of self-preservation justifies nations as well as individuals, in protecting and defending themselves; and if a treaty previously concluded endangers the existence of a nation, she is no longer bound by its obligations. This principle is strongly and clearly asserted in Vattel, book 2, chap. 12, sec. 160.

The senator, therefore, who conscientiously believes, from the evidence before him, that Texas will become a dependency of England, unless it should be annexed to the United States, and that

through the agency of English abolitionists a servile war would be lighted up, endangering the existence of the southern States, would be perfectly justified in voting for annexation, even if, instead of a general treaty of peace, we had a treaty with Mexico guarantying the integrity of her territory. Because, says Vattel, “though a simple injury, or some disadvantage in a treaty, be not sufficient to invalidate it, the case is not the same with those inconveniences that would lead to the ruin of the nation.” And he proceeds to prove that “a treaty pernicious to the State is null, and not at all obligatory, as no conductor of a nation has the power to enter into engagements to do such things as are capable of destroying the State, for whose safety the government is entrusted to him.” And again, §170: “If the assistance and offices that are due by virtue of such a treaty (those permitting commerce, passage, &c.) should on any occasion prove incompatible with the duties a nation owes to herself, or with what the sovereign owes to his own nation, the case is tacitly and necessarily excepted in the treaty.”

But, sir, we have no occasion to invoke the aid of these high principles of public law to relieve us from the imputation of violating our treaty of peace with Mexico, even if actual war now existed between Mexico and Texas. Ours would even then be a case in which all writers on the law of nations have not only justified, but commended our conduct. “It is lawful and commendable (says Vattel) to succor and assist, by all possible means, a nation engaged in a just war; and it is even a duty incumbent on every nation to give such assistance, when she can give it without injury to herself.” Book 3, chap. 7, §83. And this duty rises still higher, and the obligation becomes more imperious, when a weak and feeble nation is oppressed by an unjust war waged against her by a grasping and more powerful neighbor. I might read any number of authorities to establish this principle; but I deem it wholly unnecessary. This is the law engraven upon the heart of every man by the finger of the Almighty. Under this aspect of the question, our relations with Texas render our obligation irresistible to aid her against the unjust oppression of Mexico. The law of nature, applicable to individuals, is the law of nations when applied to sovereigns. What man, then, having the heart and courage of a man, would see his weak and helpless fellow man assaulted, and beaten, and crushed to the earth by a powerful enemy, without interposing to arrest such an outrage? To assist the weak in a just cause against the strong, is the dictate of our nature; and this principle has been incorporated, with all commendation, into the law of nations. This law would justify our interference even between strangers; but Texas is a child of our great family; and our obligation to protect her weakness from aggression becomes irresistible. And yet we are to be told that, to render her this assistance, would be to forfeit our faith with Mexico, and expose ourselves to the condemnation of the civilized world, and in the opinion of the Senator from Massachusetts, [Mr. CHOATE,] to violate the christian religion.

It is well for us who support this treaty, that we do not reside in Boston. If we did, we should doubtless be deprived of all church privileges.

That the war which Mexico waged against Texas was an unjust war, I think can be clearly demonstrated. And here, in opposition to the senator from Missouri, I shall contend, and I think demonstrate, that Texas never did owe any allegiance to the pres-

ent government of Mexico; and, as a necessary consequence, that government has been guilty of oppression and injustice in attempting the subjugation of Texas.

In 1824, Mexico adopted her constitution. Under it, the Mexican republic was composed of a number of sovereign States, confederated together in a federal Union similar to our own. Each State had its own legislature, judiciary, and governor; and, for all local purposes, was as independent both of the general government and that of the other States, as is Pennsylvania or Virginia under our confederacy. Texas and Coahuila united and formed one of these Mexican States; and its constitution, which was approved by the Mexican confederacy, asserted that it was "free and independent of the other United Mexican States, and of every other foreign power and dominion," and asserted the great principle of human liberty—that "the sovereignty of the State resides originally and essentially in the general mass of the individuals who compose it." The people of Texas swore, in the presence of their God, to maintain their own constitution and the federal constitution of Mexico. The strongest inducements were thus presented to the citizens of the United States to emigrate to Texas. They believed, in leaving their native land, that they were going to a country where they would be governed by State laws, enacted by their own representatives, and where their lives, their liberty, and their property, would be secured by the same constitutional guaranties that existed in the different States of our own confederacy. They never apprehended that a central and distant government might arise in the city of Mexico which would change them from freemen into slaves.

In 1835, Santa Anna, at the head of a mercenary army, effected a revolution in Mexico, changed the form of government entirely, and became the dictator of the republic. On the 3d of October, 1835, a decree was issued by the General Congress of Mexico, at his bidding, directing the Congresses of the different States immediately to desist from the exercise of their legislative functions; and on the 23d of the same month, another decree emanated from the same body, annihilating the constitutions of the sovereign States of the confederacy, and converting them into mere departments of the central government established at Mexico. The legislature of Texas was expelled from their own hall at the point of the bayonet; and Santa Anna's conduct thus presented a feeble imitation of the daring of Cromwell and of Bonaparte. He made great preparations to subdue Texas, vainly expecting, as was generally believed, to return from fields of glory to be proclaimed emperor of Mexico. Had the Texians not resisted—had they tamely submitted to be robbed of their government, their rights and their liberties by a tyrant, they would have been unworthy of the race from which they sprung.

Now, sir, let me state a parallel case, if, indeed, we can be permitted even to imagine its existence. Suppose a military tyrant should become President of the United States; should drive the legislatures of the different States out of their own halls by an armed force; should annul the federal and the State constitutions; and, under shelter of a subservient Congress, create himself dictator of the republic: suppose all this, and I then ask, would those States who resisted the tyrant owe any allegiance to his usurped government? No, sir; no. Santa Anna was guilty of treason in abolishing the federal and State governments of Mexico; and, by every law,

human and divine, ought to have been condemned to die the death of a traitor. Resistance to such tyranny was the dictate of Heaven. Texas was absolved from all allegiance to him and to his government; and from the very moment that he violated her constitution, she stood before the world, both *de facto* and *de jure*, a free, sovereign, and independent nation. She never was, and never will be, a department of the central government of Mexico. The traitor can never rightfully claim the allegiance of those whom he would make victims of his treason. I ask if, under these circumstances, the United States had interposed in 1835 to save Texas from oppression, whether it could have been denounced as an act of bad faith towards Mexico, deserving the condemnation of the civilized world? Had we interfered at this critical moment, we should have placed ourselves precisely in the position of France, when, in our utmost need, she generously came to our aid during the war of the revolution. And who will accuse France of having violated her faith with England, and say she justly deserved the condemnation of the world for coming to our rescue? It is true that the definitive treaty of 1763 was then in full force between France and England; and its very first article contained a similar engagement to that of ours with Mexico, though couched in much stronger terms, for perpetual peace and friendship between the two nations. Among the nations of the earth these are not questions of violated faith; and this phantom which has been conjured up to alarm our fears has no real existence.

But we did not generously go to the aid of Texas, as France had come to our aid. Pursuing our established policy of not interfering in the disputes and wars of other nations, we left Texas to maintain the struggle alone against fearful odds. And what was the result?

Santa Anna invaded Texas with an army of 10,000 men. His cruelty, whilst victory attended him, would have disgraced Attila himself, who boasted that he was "the scourge of God." Every rule of civilized warfare was set at defiance, and the massacre of five hundred Texian prisoners in cold blood at Goliad, by his express orders, and other similar enormities, are a disgrace to the present age. I never shall forget the deep, the heart-rending sensations of sorrow and of indignation which pervaded this body when we first heard of these inhuman butcheries. The career of the usurper was but brief. On the 21st April, 1836, was fought the memorable battle of San Jacinto. On that field seven hundred Texians defeated fourteen hundred Mexicans. Five hundred of these were slain, and nearly all the rest were taken prisoners. On that day the Texians achieved their independence; and on that day they convinced the world, by their conduct and their courage, that they deserved to rank as an independent nation. Considering the numbers engaged, history does not record a more brilliant achievement. Santa Anna himself was among the captives; and by every law, human and divine, he had forfeited his life. It would be a waste of time to cite authorities from the law of nations to establish this principle, the correctness of which was admitted at the time by the whole civilized world. I shall barely read a short passage from Vattel, which will place this position in a clear point of view. He says:

"There is, however, one case in which we may refuse to spare the life of an enemy who surrenders. It is when that enemy has been guilty of some enormous breach of the law

of nations, and particularly when he has violated the laws of war. This refusal of quarter is no natural consequence of the war, but a punishment for his crime—a punishment which the injured party has a right to inflict.”—Book 3, chap. 8, sec. 141.

I need scarcely add that the murder of prisoners in cold blood is an enormous violation of the laws of war.

But mercy was extended to Santa Anna, although he was reeking with the blood of unresisting Texian prisoners; and I do not condemn General Houston for having spared his life. What is the next act in this historical drama?

On the 14th May, 1836, Santa Anna, then the dictator of the republic of Mexico, acknowledged by treaty, in the most solemn form, “the full, entire, and perfect independence of the republic of Texas.” It is true that, at the time, he was a prisoner of war; and for this reason, strictly speaking, his acts were not binding on the Mexican republic. But when we consider all the circumstances of the case, I am clearly of the opinion, that in justice and equity, that republic ought to have ratified the act. The life of the dictator was spared, and he was set at liberty; and General Filisola’s army, consisting of 4,000 men, which was completely in the power of Texas, was permitted to retire in peace to Mexico. The treaty secured these and other important advantages to Mexico; and it is unjust that he should enjoy all the benefits which it conferred upon her, and at the same time discharge herself from all the obligations which it imposed. However we might excuse the conduct of the Mexican government, under another chief; for annulling this treaty recognising the independence of Texas, what shall we say of the conduct of Santa Anna since he has been again placed at the head of the Mexican nation? His life was spared, his army was permitted to return in security to Mexico; and, under these circumstances, every principle of honor required that the moment he obtained the power, he should recognise the independence of Texas. He knows, and has repeatedly acknowledged, the folly of persisting in his claim to that country. On the 4th July, 1836, he recognised his own act, declaring Texas independent, as valid; and in this city, in the month of December following, when he was entirely free, he acknowledged to General Jackson that Texas was but a broken wing of Mexico; that it would be a mere incumbrance and hindrance until lopped off.” And yet, with true Spanish obstinacy, he still refuses to recognise the independence of Texas.

I think I have now conclusively shown, that even if the United States had gone to the aid of Texas before or immediately after the battle of St. Jacinto, we should have been justified under the law of nations before the civilized world. I have proved that Texas never was a province, either *de jure* or *de facto*, of the present Mexican government; and that the war waged by Mexico to subdue Texas, was an act of unjust and wanton power, and in violation of the constitution which the people of Texas had sworn to support.

I shall now proceed to shew that we shall be justified, without the consent of Mexico, in accepting the offer of Texas to enter our confederacy; and that this will be no violation of national faith or national honor.

On the 1st of March, 1837, the Senate adopted a resolution recognising the independence of Texas; and our example was soon followed by England, France, Holland, and Belgium. What did we mean

by this recognition? By it we declared, in effect, that Texas had successfully resisted the power of Mexico; that she was a free and independent nation; and that we received her into the family of nations, with all the rights and privileges belonging to any other member, and on terms of perfect equality with ourselves. By this act we acknowledged, in the language of our own declaration of independence, that she had “full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which an independent State may of right do.” But the Senator from New Jersey [Mr. MILLER] has reminded me that I voted against the recognition of Texan independence; and has also read extracts from my remarks on that occasion, for the purpose, I presume, of proving my inconsistency. Now, sir, whilst I believe that my public life, since I first entered Congress, has been as consistent as that of any Senator on this floor, yet I have never arrogated to myself infallibility. I trust that I grow wiser by experience; and if I had erred seven years ago, most certainly I should not now persist in that error merely for the sake of appearing to be consistent. As an honest man, I would be bound to retract my error; and this more especially when it was to the injury of a kindred and friendly republic. But can the senator perceive no difference between what was the condition of Texas on the first of March, 1837, and what it is now on the 8th of June, 1844? On the former occasion, I supposed that the war of Texian independence might not have been ended. I supposed that Mexico, in the next campaign, after she had suffered the disastrous defeat of San Jacinto, might have rallied all her forces for the conquest of Texas. In short, I doubted whether Texas had achieved her independence; and I refused to acknowledge a fact, of the existence of which I was not then satisfied. I am most happy now to acknowledge that my fears were without foundation. Texas has since maintained her independence against Mexico for a longer period than the whole duration of our revolutionary war. Indeed, during this long period, Mexico has never even made a serious attempt to subjugate Texas. I trust, then, I shall stand redeemed from the charge of inconsistency whilst voting for this treaty, even in the opinion of the senator from New Jersey.

A proper regard for the opinion of mankind has hitherto wisely prevented our government from treating for the annexation of Texas to this country. That we might, years ago, have concluded such a treaty, without any violation of national faith or national honor, I entertain not a doubt; but still we owed it to our own character before the nations of the earth not to act with precipitation on a question of such peculiar delicacy. Throughout the war we have maintained a strict neutrality between the belligerent powers. The independence of Texas has now been acknowledged by the principal commercial nations of the earth. She has entered into treaties with them, and with us. No foot of an invading enemy rests, or has ever rested, upon her soil since the battle of San Jacinto. She still regards her restoration to the bosom of our republic with an eye of intense desire. She has never faltered in this purpose, since the declaration of her independence in 1836, when she determined, with enthusiastic unanimity, in favor of reannexation. The time has at length arrived when we may receive her without any imputation upon our honor. I have heard epithets used against the treaty before us, as harsh as those which have been justly applied to the treaties

entered into by the despotic sovereigns who dismembered Poland, and divided its territory amongst themselves, against the consent of the brave and patriotic Polish nation. But will senators reflect upon the vast difference? It is the Texian people themselves, the arbiters of their own destiny, who are eager to become united to this republic. Who will then dare to complain in their name that we are about to treat them with injustice, when we are granting them a boon which, of all others, they most ardently desire?

But it is contended with pertinacity that we ought to wait still longer, before we receive Texas; and that we are bound to afford Mexico a still longer period for her subjugation. Let us examine this proposition for a few minutes.

It is said that war, bloody war, still rages between the two nations; and that, until this shall have ended, we ought not to admit Texas into the Union. But what is the fact? The poetical fancy of the senator from Massachusetts has invested this war with terrors that might even alarm the brave. We have heard the changes rung by him upon the words *flagrante bello*, until we might almost be persuaded to believe, against our own knowledge, that flagrant war really rages between the two nations. When asked to specify the battles which have illustrated this war, he is compelled to be silent. Now, whether actual war exists, is a question of fact to be decided by the existence of actual hostilities. The most amusing feature of this protracted debate has been the earnestness with which it has been contended on the one side and the other that war does and that war does not exist. Never before, in the history of the human race, I undertake to say, was such a question doubtful throughout a period of seven years. This could surely never have been made a question at any period during our seven years' revolutionary war, or the seven years' war of Frederick the Great. If there be an existing war against Texas, and we should adopt it, this will be the smallest war that has ever been adopted by any nation. One thing is perfectly certain: that there never has been a serious attempt made to conquer Texas since the battle of San Jacinto. What says Mr. Webster upon this subject? Hear him, in opposition to the fancy sketch of the senator from his own State. In his despatch as Secretary of State to our minister in Mexico of the 8th July, 1842, he says:

"From the time of the battle of San Jacinto, in April, 1836, to the present moment, Texas has exhibited the same external signs of national independence as Mexico herself, and with quite as much stability of government. Practically free and independent, acknowledged as a political sovereignty by the principal powers of the world, *no hostile foot finding rest within her territory for six or seven years*, and Mexico herself refraining *for all that period* from any further attempt to re-establish her own authority over the territory." "The battle of San Jacinto, fought on the 21st April, 1836, achieved their independence. *The war was from that time at an end.*" "Since 1837, the United States have regarded Texas as an independent sovereignty as much as Mexico." "He (Mr. Bocanegra) speaks of Texas as still being an integral part of the Mexican republic;" but he cannot but understand that the United States *do not so regard it.*" "The constitution, public treaties, and the laws, oblige the President to regard Texas as an independent State, and its territory as *no part of the territory of Mexico.*"

No hostile foot has found rest upon the soil of Texas between the battle of St. Jacinto on the 21st April, 1836, and the date of Mr. Webster's despatch on the 8th July, 1842! A war to resubjugate a revolted province suspended for more than six years; and yet Mexico still claiming that province and threatening war against all who would interfere with

her claim! Such a compound of impotence and bluster has never been witnessed in the conduct of any nation.

Until the present moment, no attempt has been made by Mexico to invade Texas with any view of conquest. In the month of September, 1842, three marauding expeditions suddenly crossed the Rio del Norte into Texas, under the command of General Woll; but they fled with precipitation before the approach of the Texians. The chief, if not the only trophy of these forays, was the capture of a court-jury, lawyer, witnesses, and all, whom they found in session at San Antonio de Bejar. These they carried off into Mexico; and although they were all civilians, with true Mexican contempt for the law of nations, they were confined as close prisoners in the castle of Perote, were doomed to hard labor, and were, in other respects, treated with wanton and vindictive cruelty.

These three marauding expeditions, then, of eight days' duration, constitute the entire history of the war carried on by Mexico for the conquest of Texas as during a longer period than the whole of our revolutionary war, and almost as long as the siege of Troy. Now, I admit, that we must take Texas with all her imperfections on her head; and if this quasi war with Mexico be the greatest of them, we shall have much reason to rejoice. On this subject all that can be said with truth is, that Mexico and Texas were once at war, and have not yet made peace; though from the weakness of Mexico, or some other cause, actual hostilities have long since been suspended, on her part, unless we may except the predatory incursions of General Woll, who fled with more rapidity than he had advanced.

The senator from Missouri, in one of his resolutions, admits that we may annex Texas without the consent of Mexico, when Mexico shall "cease to prosecute the war on a scale commensurate to the conquest of the country." It is not, therefore, in his opinion, a mere occasional predatory incursion of Mexico into Texas, which ought to deprive her of the power of annexing herself to the United States, or prevent us from receiving her. Can any thing be clearer than this proposition? If it were not true, it would then be in the power of Mexico although she might have abandoned every hope of conquest, to paralyze both Texas and the United States, and prevent them from ever forming a reunion. If any war should be deemed sufficient to arrest annexation, it must be an actual and not a mere paper war; and this, too, conducted upon a scale commensurate with the subjugation of the country.

The senator from Missouri, who is, I sincerely believe, anxious for the annexation of Texas, in the resolution to which I have just referred, proposes to postpone this event until "Mexico shall either consent to the same, or acknowledge the independence of Texas, or cease to prosecute the war against her (the armistice having expired) on a scale commensurate to the conquest of the country." The consent of Mexico! This we never shall obtain whilst England can prevent it. We are all aware of her great influence with Mexico; and we well know it will all be exerted to prevent Mexico from consenting to the reunion of Texas with the United States. The deep interest felt by England in this question appears from the late remarks of Lord Aberdeen the Foreign Secretary, in the House of Lords. "It was a question new and unexampled (said his lordship) in the history of public law, which demanded

and would receive the earliest and most serious attention of her Majesty's government." And pray, Mr. President, what right has England to interfere in this question? If the people of the United States and of Texas desire to be united, the interference of England to prevent it would be an insult and an injury to both. Have we not, as independent nations, a right to conclude what treaties we please in relation to our own territories, without the consent of England? The United States must never yield the smallest portion of our just rights to that impetuous and arrogant power, which never fails to make the extorted concession the foundation of demanding another. England—whose constant policy in the East has been to sow the seeds of dissension between rivals, and then, under the pretext of espousing the just cause, to take part with one of the parties, and thus subjugate the whole country under her own dominion—is now startled at the very idea that the United States should acquire Texas, even with the free and enthusiastic consent of her whole people! We cannot submit to any direct interference from that quarter, without to this extent yielding up our national independence. But England will be relieved from the responsibility of a direct interference in the domestic concerns of two independent nations on this continent, if we should adopt the principle that the consent of Mexico must first be obtained before we can treat of annexation.

It is true that I should be willing to treat Mexico, as a neighboring republic on this continent, with the most kindness. I would soothe her pride, and even consult her prejudices. Whilst, therefore, I utterly deny that her consent was necessary, I should have endeavored to obtain it, in the first instance, by every honorable means. The hope is now a vain one, that this consent will ever be given whilst British influence shall remain predominant in Mexico.

We have heard much, in the course of this debate, of the good faith and kind feeling of Mexico towards the United States; though her conduct on many occasions, and our own records, would disprove this allegation. But it is not my purpose to ensure her. Many allowances ought to be made for her, considering her distracted condition; and as sister republic on this continent, we have always acted towards her with great forbearance. I trust we shall continue to pursue this course; and I now merely refer to the subject, lest it might be inferred, from our silence, that we have never had any just cause of complaint against Mexico.

But the Senator from Missouri does not consider the consent of Mexico to be indispensable. If, after the expiration of the alleged armistice, Mexico should cease to prosecute the war against Texas, "on a scale commensurate to the conquest of the country," we would then consent to the reunion. How much longer must Mexico cease to prosecute this war upon such a scale, before the reunion can be effected? Shall it be one, two, or ten years? She has already ceased to prosecute this war, upon a scale commensurate with the conquest of Texas, from the day when the battle of St. Jacinto was fought until the present moment. Has not eight years been a period sufficiently long for this purpose? In my opinion it has; and, therefore, I am willing to act without further delay.

But the alleged armistice between these two powers has been interposed as an objection, and it has been urged that this acknowledges a state of war

to have existed at its date; and that time ought to be allowed to Mexico, after its termination, to conquer Texas, before we should consent to annexation.

We have heard much of this armistice, which I shall show, hereafter, never had an existence; but admitting, for the sake of the argument, that it did exist: what consequences would flow from it? I answer, none prejudicial to the cause of reannexation. This armistice could only have suspended the war as it existed at its date; and what a war! A war that had ceased, for all purposes of reconquest, during a period of more than seven years; and that had literally died out, and then been suspended by an armistice of indefinite duration. This would have been our position; and a better position it is than even that which we now occupy. What is the doctrine of the law of nations upon this subject? "A general truce," says Vattel, "made for many years, differs from a peace in little else than in leaving the question, which was the original ground of the war, still undecided. When two nations are weary of hostilities, and yet cannot agree upon the point which constitutes the subject of their dispute, they generally have recourse to this kind of agreement." Such was precisely the relative position of Mexico and Texas towards each other at the date of President Houston's proclamation. They were both weary of hostilities, and yet could not agree upon the subject of their dispute, which was the independence of Texas. President Houston, on the 15th of June, 1843, proclaimed an armistice indefinite in its duration; and had this been assented to by Mexico, it would have amounted to a general truce, differing but little from a general peace. By the terms of this proclamation, the armistice was not limited to any number of years; but was to continue during the pendency of negotiations for peace, "and until due notice of an intention to resume hostilities, should such an intention hereafter be entertained by either party, shall have been formally announced through her Britannic Majesty's chargés des affaires at the respective governments, and the revocation of this proclamation." In addition to its indefinite duration, it was to continue until England, the mediating power, intent upon ending the war between Mexico and Texas, should consent to become the instrument of rekindling it, by means of a notice for that purpose, given through her chargés des affaires. That this time never would have arrived, is most certain.

But, unfortunately, this armistice never had any actual existence. My friend, the editor of the *Globe* has got into a fog on this branch of the subject; and it is but an act of friendship on my part to restore him to clear sunshine.

Was any proclamation of an armistice, corresponding with that of General Houston ever issued by the President of Mexico? This is a most important inquiry; because no principle of public or private law is better settled than that, to make any contract binding between parties, it must be mutual. Both must be bound, or neither. The provisional President of Mexico, so far from having issued a corresponding proclamation—so far from having agreed to the stipulations of the armistice announced by General Houston—expressly declined to assent to them the moment they were communicated to him by the British chargé d'affaires. The proclamation of President Houston, declaring an armistice, was thus annulled within a few days after it had issued, by the refusal of the Mexican President to accede to its terms, and to issue a corres-

pending proclamation. Thus ended the first attempt to establish an armistice between the parties.

The Mexican government, through Mr. Tornel, their minister of war, afterwards issued a military order to General Woll, the commander-in-chief of the army of the north, bearing date July 7, 1843, in which they refuse to recognise General Houston even as President *de facto* of Texas; but to make him sensible of his inferiority, insultingly style him merely Mr. Samuel Houston. So far from recognising President's Houston's proclamation as an existing armistice between the two countries, Mr. Tornel informs Gen. Woll that the Mexican Government "had resolved to admit, in the name of the nation, the propositions for an armistice; and that such armistice be concluded between the two parties, agreeably to the laws of war." Thus, while, on the one side, an absolute armistice had been proclaimed, on the other, President Santa Anna merely agreed to consider this proclamation as a proposal for an armistice to be concluded thereafter. Accordingly, Mr. Tornel proceeds, by his military order, to instruct General Woll, that, "in order that the armistice may be concluded on the terms fixed by the usage and practice of war, you will give official notice to Mr. Samuel Houston that he should appoint commissioners, who, jointly with those chosen by yourself, may form the stipulations, according to the following rules to be observed on your part," &c. In pursuance of this order from the Mexican Minister of War, commissioners were appointed by General Woll and President Houston, respectively, who held their last meeting at the town of Sabinas, in the republic of Mexico, on the 15th February, 1844, and on that day signed an agreement for an armistice, the first article of which is as follows:

"There shall be an armistice between Mexico and Texas, during the pending of negotiations, at the capital of the republic, relative to the pacification of the department of Texas, and which are to be concluded, at the farthest, by the 1st day of May, 1844, and can only be prolonged in case there should then be a probability of a speedy and pacific termination of the matter."

Thus, it is evident, that, even if this armistice had been approved by President Houston, it would have terminated, by its own limitation, on the first day of the last month, as it contains no stipulation whatever requiring the respective parties to give any other notice of their intention to resume hostilities. But the truth is, that the proposed armistice never was in force a single moment, for want of the approval of President Houston. We are informed by Messrs. Van Zandt and Henderson, in their letter to Mr. Calhoun of May 16th, 1844, that "they [the Texian commissioners] were instructed that no arrangement made by them would be binding until approved by the President. When the agreement entered into by them was submitted to the President of Texas, he declined approving it. Referring to Texas as a department of Mexico was a sufficient reason for its prompt rejection, and precluded all possibility of official action under it."

"The negotiations having thus terminated, and this agreement being held to be null and void, there is at present no subsisting arrangement of any character between Mexico and Texas."

That this result was clearly anticipated by the Mexican government, appears conclusively from the despatch of Mr. Thompson of the 2d February last, to the Secretary of State. He says:

"I am informed that the negotiation with Texas for peace is not only broken off, but that the armistice has also been

suspended. You will remember that, from the beginning of this matter, I expressed the opinion that nothing would come of it. It was only a device, on the part of Santa Anna, to relieve him from the difficulty in which he had involved himself by his threats and promises of reconquering Texas which he knows perfectly well is impossible."

Thus has ended the second abortive attempt to establish an armistice between Mexico and Texas. An effort had been made by each government to obtain the consent of the other to the establishment of an armistice upon its own terms; but each signally failed, and nothing of this nature ever existed unless it may have been the mere order of the Mexican minister at war to General Woll to suspend hostilities whilst proceedings in relation to an armistice were in progress.

Having thus disposed of the most prominent objections to the present treaty, let me proceed to inquire whether our annals do not afford precedents exactly in point to justify those senators who have determined to vote for its ratification. If such precedents exist and were adopted by the wisest and best men of the republic when the voice of party spirit was comparatively silent, this will be an all-prevailing argument in favor of the treaty. Nay, more;—if it never entered into the conception of these statesmen that they were violating the obligation of treaties or performing any act inconsistent with the law of nations or the character of the country in their attempts to annex Texas to the Union, what will then become of the phantoms of broken faith and tarnished national honor which have been conjured up to fright us "from our propriety?" But to the testimony on this subject: and to this I shall refer very briefly, because it has been presented at large by other senators.

That one nation, in a state of war with another, may rightfully cede a portion of its territory to a neutral nation, is a principle of public law which cannot be doubted. We have the high authority of Mr. Madison in support of this principle, which he has illustrated with a rare felicity of expression. In his letter to Messrs. Livingston and Monroe of the 28th May, 1803, instructing them in regard to the purchase of Louisiana, he says: "That the right of a neutral to procure for itself, by a *bona fide* transaction, property of any sort, from a belligerent power, ought not to be frustrated by the chance that a rightful conquest thereof might be precluded. A contrary doctrine would sacrifice the just interests of peace to the unreasonable pretensions of war, and the positive rights of one nation to the possible rights of another." This pure and able statesman does not seem to have been alarmed by such fears as now haunt senators, lest the acceptance of the cession of Louisiana from France by the United States might be a violation of our treaty of peace with England. This authority would be directly in point on the present occasion, if Texas had ceded to us a part of her territory whilst at war with Mexico, instead of the whole: and I ask how can the principle be changed by the amount of the cession? The neutral obtaining such a cession of belligerent territory most probably accepts it, subject to the right of conquest by the opposite party; but the idea of bad faith in such a transaction does not seem to have entered the pure mind of Mr. Madison. We are far more sensitive on this subject now than our ancestors were forty years ago.

But there are other examples in our history directly in point in every particular. Messrs. Adams and Clay made two unsuccessful efforts, in 1825 and 1827, to purchase Texas from Mexico; whilst

tual war—not a mere paper war—was raging between Spain and Mexico, and long before the government of Spain had recognised the independence of Mexico.

In August, 1829, General Jackson and Mr. Van Buren made a similar attempt to purchase Texas from Mexico; although, at the very moment, the great expedition of Barradas had sailed from the Havana to make a last and desperate struggle to recover Mexico, and, in the language of this command—"to re-establish order, and the paternal government of the best of kings." This expedition was known to the whole world. Mr. Van Buren, so far from believing that the purchase of Texas from Mexico would be a violation of our treaty of peace with Spain, even whilst war was raging between that power and Mexico, actually urged the existence of this very war upon Mexico as a strong reason to induce her to make the cession. "The particularly threatening attitude of Spain at the present moment" was presented to Mexico as a most cogent reason why she should accept the money offered by the United States for Texas, and thus supply herself with the means of defending the residue of her territory. The idea of a violation of national faith towards Spain by the acquisition of Texas does not seem once to have occurred to the minds of either Mr. Adams, Mr. Clay, General Jackson, or Mr. Van Buren. Mexico now stands precisely in the same position towards the question that Spain then; and, in accepting the cession of Texas from herself, without the consent of Mexico, we more violate our faith towards Mexico than all these distinguished statesmen would have done when they were intent upon obtaining the cession of the same territory from Mexico without the consent of Spain. The difference is, indeed, greatly in favor of the present treaty. They were anxious to obtain the cession whilst actual war was going on between Spain and Mexico; but we decided to make the attempt until eight years had elapsed since the last serious effort was made by Mexico to subdue Texas. The truth is, this is a question involving national faith at all; and it never would have been so considered, had we not ourselves proclaimed to the world that it would be a heinous crime against Mexico to ratify the treaty. It defies human ingenuity to point out a difference between the cases I have cited under the administrations of Mr. Adams and General Jackson and the present case, that would not operate in favor of the treaty now before us. Had we then purchased Texas from Mexico, this would have been done without the consent of the inhabitants of Texas; but now we obtain Texas by the unanimous consent of its sovereign, and independent people. But I refused not to enlarge upon this branch of the subject.

I shall now merely glance at a few of what I consider the minor objections to this treaty.

And first: It has been contended that the true boundary of Texas does not extend so far to the north as the Rio del Norte; and that for this reason it would violate the just rights of Mexico by ratifying the treaty. If this were true, those who make this objection ought to offer an amendment to the treaty, so to make it conform to the relative rights of the parties. But, sir, I ask you, could any reasonable man have expected that Texas would dismember herself, and proclaim to the world, on the day of this treaty, that the boundaries which she solemnly established in 1836, by act of Con-

gress, embraced territory rightfully belonging to Mexico? No, sir, no. We must accept Texas just as she is, or not at all; and after we have acquired the territory, we can then finally fix the boundaries between ourselves and Mexico, according to the rights of each, and the mutual interest and security of the two countries. The present administration have done every thing on this subject which could reasonably have been desired. They left the boundary of Texas without specification in the treaty, and have promptly offered to adjust it with Mexico on fair and favorable terms. Texas has always claimed to the Del Norte, and is now in possession of the whole of the left bank of that river to the Paso, nearly a thousand miles from its mouth. Her claim to that portion of New Mexico which lies east of this river, and north of the Paso, is certainly of a very doubtful character; and it is one upon which we ought not to insist.

Again: It has been objected that we have made a bad bargain, by assuming to pay the debt of Texas, not exceeding \$10,000,000. But will any senator contend that we could, either in honor or justice, accept all her broad lands, without paying her debts? This we must do, unless we are willing to present ourselves before the civilized world as a nation of swindlers. Even if we were bound to pay these ten millions out of the treasury of the United States, the sum would be so small, when compared with the vast and enduring advantages of the acquisition, as scarcely to be worthy of a moment's consideration. But with the exception of \$350,000, not a dollar will be drawn from the treasury. The residue is payable out of the proceeds of the public lands of Texas; and these lands yet unappropriated, according to a late report of their commissioner of public lands, exceed one hundred and thirty-six millions of acres. This may be, and probably is, an exaggerated estimate; but still there can be no doubt but that these lands will pay five times the amount of the debt thus assumed.

It has, also, been strenuously urged that, as Congress alone, under the constitution, possesses the power to declare war, the President and Senate have no power to make this treaty, because we would thus adopt the alleged war on the part of Texas against Mexico. But the answer to this argument is easy. Whether this war has any actual existence or not, the friends of the present treaty, so far as I know their opinion, have never entertained the idea for a moment either that it could be, or ought to be, executed without a previous act of Congress for this purpose. Indeed, from its very nature, it would require such an act before it could be enforced. If the United States should ever form a treaty of alliance with any nation, whether at the time engaged in actual hostilities or not, from the very nature of our government, no such treaty, which might involve the country either in immediate or prospective war, could ever be executed without the approbation of the House of Representatives, as well as the Senate. In all such cases the war-making power must concur with the treaty-making power.

After presenting to the Senate a few general considerations on the subject of the treaty, I shall cease any longer to intrude upon their patience.

It is, I verily believe, the true interest of Mexico that Texas should be annexed to the United States. It is utterly impossible that a nation chiefly composed of native-born Americans, who carried with them all the principles and safeguards of political liberty—the habeas corpus, the trial by jury, a

strict constitutional limitation of the powers of government, and a division of these powers into legislative, executive, and judicial—can ever remain citizens of Mexico, where all these blessings are practically unknown. Besides, in the very nature of things, our race of men can never be subjected to the imbecile and indolent Mexican race. Sooner, far sooner, in all human probability, will Texas conquer Mexico, than Mexico subdue Texas. Should Mexico ever seriously invade Texas—let her government proclaim a crusade against Mexico, and thousands and tens of thousands of the hot and fiery spirits of the West will rush to the rescue of their brethren, in spite of all the efforts of our government to prevent. An army composed of such materials may fight a second battle of San Jacinto under the walls of Mexico, and raise the standard of the lone star on the battlements of Montezuma. Let Texas be reannexed to the United States; let the natural barrier between us and Mexico be thus restored, and all such dangers are ended. The two sister republics will then live in peace and harmony with each other.

What may and probably will be the consequence of our refusal to ratify the present treaty? There is a time, says the wise man, for all things under the sun; and if that time be suffered to pass unimproved, it rarely if ever returns. Should we refuse to embrace the present "golden opportunity" for consummating the union between the two republics, another may never be afforded. Will not our refusal, under all the circumstances, justly irritate the people of Texas against us? May she not be driven to take counsel from her interests instead of her inclinations; and in that case, is it quite certain that her eventual prosperity would not be better promoted by an independent existence, and a commercial alliance with Great Britain?

Besides, the Senate has entirely changed the ancient practice of the government, by publishing to the world all the correspondence connected with this treaty. I fear that our foreign ministers abroad will no longer be able to obtain information of a confidential character from other governments which it may be of the last importance for us to know; because they can give no pledge that what may be communicated under the sacred seal of confidence shall not be exposed to the world by the action of the Senate. Every man who has been abroad as a foreign minister will feel the force of this remark. On the present occasion, our young and yet comparatively feeble sister republic whispered to us in confiding affection, that she was weak, and that she was destitute of resources: and yet the Senate have broken the seal of her confidence, and have thus proclaimed her embarrassments to Mexico and to the world. If this information should provoke an attack from Mexico; and if we, after involving her in a new conflict, should stand coolly by, without coming to her assistance,—although I have no dread of the final result, yet our conduct would inevitably tend to alienate her feelings and arouse her indignation. If evil should result to her from this abortive attempt at annexation, her affection for us may be changed into bitter hatred, and future annexation be rendered impossible.

We cannot disguise from ourselves that the debate on this treaty has created new and powerful obstacles in the way of annexation. Had the treaty been ratified by the Senate—had the union between the two republics been completed, the subject would have passed away without producing a ripple upon

the surface of public opinion throughout the world. It would have been an event so natural in itself, and so consonant to the wishes of both countries, that it would have attracted but little attention from other nations. Even Santa Anna himself, according to the enlightened opinion of Mr. Thompson, our minister to Mexico—and no man had a better opportunity of judging—was prepared for our intimation. In his despatch to our Secretary of State of the 2d February last, he says:

"There may be other marauding forays like that of General Woll, retreating more rapidly than they advanced, as to any regular and reasonably sufficient force invading the country, the thing is impossible, and will not be attempted. They cannot raise money to support such an army two months.

"My opinion is, that, notwithstanding all their vaporing gasconade, the most agreeable thing to Santa Anna would be an authoritative interposition of our government to put an end to the war, as he would then say that we were too strong for them to contend with."

The Edinburgh reviewer expressed his astonishment that the United States had not accepted the last offer of annexation which Texas made. It does not seem to have occurred to his mind that either national faith or national honor stood in the way. After we shall have rejected the present offer of Texas, his predictions may be verified. He says:

"The United States, in refusing to admit Texas into confederation, have rejected an offer which, in all probability, will never again be made to them; and Texas being, as years pass by, more and more attached to its own institutions, its own distinct policy, and its own national character, will speedily regard the United States with some of those feelings of jealousy which nations always entertain towards their nearest and most powerful neighbors. The commercial interest of Texas, and the antipathy to the northern portion of the United States, which she inherits from her kindred of the southern States, will all tend to unite her with Great Britain."

But the aspect of the whole affair has entirely changed. Some of the most distinguished Senators have denounced the treaty as a violation of national faith,—as unjust and insulting to Mexico, as deserving the condemnation of the Christian world, and have attempted to excite universal indignation against its authors. Their voices will be heard in Mexico and in Europe, and will arouse hostility every where against the treaty. Although this is far from their intention, their denunciations may excite Santa Anna to make a last and desperate struggle for the recovery of Texas, and will afford a pretext to the British government to use the same active means, and to resort to all the arts of diplomacy, to prevent future annexation. That government will now have time to muster its forces, and will find the anticipation of Lord Aberdeen, that the Senate would not ratify the treaty, to have been founded. There are some things that, if they were to be done at all, "then 'twere well they were done quickly;" and under existing circumstances, the annexation of Texas was one of this number. Had Mr. Jefferson not embraced the golden opportunity of annexing Louisiana to the United States when it was presented—had he delayed but a single month—then this acquisition would, in all human probability, never have been made without an expensive and bloody war. One important advantage of the treaty-making power is, that it can be exercised in secrecy and despatch, as it did in the purchase of Louisiana and the cession of Texas; but this advantage, so far as Texas is concerned, will now be lost to us forever.

This question will now give rise to a struggle

between England (aided, most probably, by the present government of France) and the United States. England has long had her ever-watchful eyes intently fixed upon Texas; and she has strained every nerve to acquire an influence over that republic. At an early day she recognised the independence of Texas, and concluded a treaty of mediation with her, for the purpose of obtaining the recognition of her independence from Mexico. When our government and that of France proposed to unite with England in an effort to induce Mexico to recognise Texian independence, she refused the offer, doubtless under the belief that, by accomplishing the object separately, she would place Texas under greater obligations. When General Houston proclaimed the abortive armistice to which I have referred, she had already acquired such an influence in Texas that, under it, hostilities were not to be resumed with Mexico until notice to that effect should be given through her, Britannic Majesty's chargé d'affaires. At this moment, the successful diplomacy of our government arrested the career of England, and obtained the treaty which we are now about to reject. She will now return to the charge with redoubled vigor, and flushed with the highest hopes of success. Her present minister to this country was for many years her representative in Mexico, and is understood to be a great favorite with Santa Anna; whilst

she is represented in Texas by the celebrated Captain Elliott, of Chinese memory.

Who doubts, from the evidence before us and around us, but that these functionaries are taxing all their abilities to the utmost to prevent Texas from being annexed to the United States? That the British government are intent upon preventing this reunion is no longer doubtful, since the late extraordinary remarks of Lord Aberdeen in the House of Lords. Indeed, it can be no longer disguised that this question has become a British and an American question. Under these circumstances, whilst England is using every effort of skilful diplomacy to acquire an influence in Texas, to be used notoriously to our prejudice, shall we coldly repulse her from our doors? I know we shall; but what may be the final result, Heaven only knows. My reliance is upon the people of Texas themselves, much more than upon their government. Their affection for the glorious land of their birth and its free institutions may yet baffle all the efforts of England. I trust they may consider the present abortive attempt to effect annexation as not final; and that they will patiently await the determination of the people of the United States, at the approaching elections, before they adopt any measures of which they may have cause to repent hereafter, and which might render annexation impossible.

